

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>KENNETH T. BOSLEY,</b>	:	<b>CIVIL NO. 1:07-CV-1380</b>
	:	
<b>Plaintiff</b>	:	<b>(Judge Conner)</b>
<b>v.</b>	:	
	:	
<b>HOWARD H. BOSLEY,</b>	:	
	:	
<b>Defendant</b>	:	

**ORDER**

AND NOW, this 28th day of December, 2007, upon consideration of plaintiff's revised motion for substitution of parties (Doc. 8), averring that defendant Howard H. Bosley ("Howard") died on October 3, 2007 and seeking to substitute the executor of Howard's estate, David R. Bosley, Sr. ("David"), as a defendant in the above-captioned action, and of plaintiff's motion for leave to file an amended complaint (Doc. 9), and it appearing that David qualifies as a "proper party" for substitution pursuant to Federal Rule of Civil Procedure 25(a)(1) because he is Harold's legal representative, (see Doc. 8, Ex. 1 at 1-2); see also Boggs v. Dravo Corp., 532 F.2d 897, 900-01 (3d Cir. 1976); Indyk v. Experian Info. Solutions, Inc., No. 04-3755, 2006 WL 1582093, at \*1 (D.N.J. June 2, 2006), and that plaintiff is permitted to amend his complaint because a responsive pleading has not been served, see FED. R. CIV. P. 15(a) ("A party may amend the party's pleading once as a matter of course at any time before a responsive pleading is served . . ."), it is hereby ORDERED that:

1. Plaintiff's motion for substitution (Doc. 6) is GRANTED.

2. Plaintiff's motion for leave to file an amended complaint (Doc. 9) is GRANTED. The Clerk of Court is directed to remove the proposed document (Doc. 9, Ex. A) from the docket and file it as an amended complaint as of the date of this order.
3. The briefing schedule on plaintiff's motion for preliminary and permanent injunction (Doc. 2) is STAYED until plaintiff effects service of a summons and a copy of the amended complaint on each defendant named in the amended complaint and files proof thereof with the court in accordance with Federal Rule of Civil Procedure 4. See FED. R. CIV. P. 4(m); see also L.R. 15.1.

/s/ Christopher C. Conner  
CHRISTOPHER C. CONNER  
United States District Judge